

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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TAMARA M. LOERTSCHER,

Plaintiff,

v.

Case No. 14-C-870

BRAD D. SCHIMEL, in his official  
capacity as ATTORNEY GENERAL OF  
THE STATE OF WISCONSIN, and  
ELOISE ANDERSON, in her official  
capacity as SECRETARY OF THE  
DEPARTMENT OF CHILDREN AND  
FAMILIES,

Defendants.

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**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT**

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Defendants Brad D. Schimel and Eloise Anderson, by their attorneys, Maria S. Lazar and Karla Z. Keckhaver, Assistant Attorneys General, move the Court for an order as follows:

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants move the Court for an order dismissing the Complaint. As the basis for this motion, Defendants incorporate by reference their Brief in Support of Motion to Dismiss. Briefly stated, this case should be dismissed for the following reasons: (1) this Court should abstain from proceeding under the Younger abstention doctrine; (2) Plaintiff fails to state a claim under 42 U.S.C. § 1983 because she has

adequate state law remedies; (3) Plaintiff lacks standing to sue Attorney General Schimel because Schimel has no specific authority to enforce the law Plaintiff seeks to enjoin; and (4) Plaintiff fails to plead sufficient facts to give Defendants fair notice of her claims under the First and Fourth Amendments.

Dated January 28, 2015.

Respectfully submitted,

BRAD D. SCHIMEL  
Attorney General

s/Maria S. Lazar  
MARIA S. LAZAR  
Assistant Attorney General  
State Bar #1017150

KARLA Z. KECKHAVER  
Assistant Attorney General  
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Attorneys for Defendants Brad D.  
Schimel and Eloise Anderson

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